

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Karen M. Seaworth,

Plaintiff,

Civ. Nos. 09-3437 (RHK/RLE)
09-3438 (RHK/RLE)
09-3440 (RHK/RLE)
09-3441 (RHK/RLE)

ORDER

v.

William Messerli, *et al.*,

Defendants.

These matters are before the Court *sua sponte*.

On June 3, 2010, *pro se* Plaintiff Karen Seaworth moved for summary judgment in each of these actions, noticing a hearing on her Motions for July 23, 2010. On June 29, 2010, Defendants cross-moved for dismissal, for judgment on the pleadings, and/or for summary judgment, also noticing their Motions for a hearing on July 23, 2010.¹

In addition to seeking dismissal on the merits of Seaworth's claims, Defendants' Motions raise a host of procedural issues, including insufficient service of process; bar by *res judicata*, the statute of limitations, and/or the Rooker-Feldman doctrine; and misjoinder. Under the Court's Local Rules, Seaworth is required to respond to the Motions on or before July 2, 2010. However, in light of the complexity of the issues

¹ Lest there be any confusion, Defendants did not violate Local Rule 7.1 by noticing their Motions for a hearing less than 42 days after they were filed. Rather, Defendants did so at the Court's direction, due to its belief that all of the Motions should be heard together.

being raised and Seaworth's *pro se* status, the Court believes that the current briefing schedule affords her insufficient time to address Defendants' arguments.

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS ORDERED** that:

1. The hearing on the parties' Motions, currently scheduled for July 23, 2010, is **CONTINUED** *sine die* (without date);

2. Seaworth shall serve and file a Memorandum in opposition to Defendants' Motions on or before July 23, 2010;

3. Defendants shall serve and file a Reply Memorandum, if any, in support of their Motions on or before July 30, 2010;

4. The briefing schedule on Seaworth's previously filed Motions for Summary Judgment shall remain unchanged. For the sake of clarity, Defendants' Memorandum in Opposition to those Motions shall be served and filed on or before July 2, 2010, and Seaworth's Reply Memorandum, if any, shall be served and filed on or before July 9, 2010. See D. Minn. LR 7.1(b)(2)-(3);

5. After the Motions have been fully briefed, the Court will notify the parties if it desires a hearing on the Motions; and

6. The Clerk of the Court is **DIRECTED** to mail a copy of this Order to

Plaintiff at P.O. Box 215, East Grand Forks, Minnesota 56721.

Dated: June 30, 2010

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge